IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 7532 of 2007()

CRIME NO. 370/07 OF ALAPPUZHA NORTH POLICE STATION
CRMP.2755/2007 of DISTRICT COURT, ALAPPUZHA

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PETITIONER/ACCUSED:

SURESH, AGED 25,
S/O. VELAPPAN, SANTHOSH BHAVAN, MARARIKULAM (P.O)

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7532 of 2007

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Dated this the 10th day of December, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered for offences punishable, inter alia, under Sections 420, 406 and 376 I.P.C. The crux of the allegations is that the petitioner had sexual relationship with the defacto complainant from the year 2003. They were allegedly in love. But the petitioner did not comply with the promise to marry her. This obliged the defacto to file the complaint before various authorities. At last crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that at worst, even accepting the entire allegations, it was only a case of consensus pre-marital sex and later reluctance to marry the woman. In any view of the matter, there is no element of offence

of rape or cheating in this case. He may be granted anticipatory bail, prays the counsel.

3. The learned Prosecutor does not oppose the application. Considering the totality of circumstances, I am satisfied that this is a fit case where the petitioner can be granted anticipatory bail, subject of course to appropriate conditions, which shall safeguard the interests of a fair, efficient and expeditious investigation.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 17.12.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent

sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 5 p.m. on 18.12.2007 and 19.12.2007. During this period the petitioner can be interrogated in custody and all necessary steps in investigation, including the potency test can be conducted by the Investigating Officer. Thereafter he shall appear before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 17.12.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 17.12.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.50,000/- without any surety undertaking to appear before the learned Magistrate on 17.12.2007.

(R. BASANT)
Judge

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